

R156-15A-233. Administration of Building Code Training Fund and Factory Built Housing Fees Account – Land Use.

In accordance with Subsection 15A-1-209(5)(c)(iii), the Division shall transmit 60% of the monies received under Subsection 15A-1-209(5)(a) to the Office of the Property Rights Ombudsman (Ombudsman) to provide education and training regarding: (A) the drafting and application of land use laws and regulations; and (B) land use dispute resolution. The following procedures, standards, and policies are established to apply to the administration of this Land Use fund:

- (1) (a) The Ombudsman shall use the Land Use funds to pay the following expenses, including but not limited to personnel salaries, course development costs, travel, or other related expenses as determined by the Ombudsman Office and the Department of Commerce, incurred as a result of:
 - (i) administering the Land Use fund;
 - (ii) conducting training activities under Utah Code § 13-43-203(1)(g); and
 - (iii) creating, compiling, and updating model land use ordinances.(b) Expenses paid to the Ombudsman under this Subsection (1) shall be approved by the Land Use and Eminent Domain Advisory Board and the Executive Director of the Department of Commerce.
- (2) The Ombudsman shall use the Land Use funds to provide grants to land use training organizations, in accordance with the following regulations;
 - (a) No request for land use training funds shall be approved until the Land Use and Eminent Domain Advisory Board, created under Utah Code § 13-43-202, has first reviewed the request and selected and proposed approval of the request, and the request has been subsequently approved and signed by the Director of the Office of the Property Rights Ombudsman, the fund manager, and the Executive Director of the Utah Department of Commerce, or their designees.
 - (b) No funds will be paid under this Subsection (2) without prior approval of a Request for Land Use Training Funds application.
 - (c) Programs eligible to receive funds will primarily provide training on Utah land use law, and in particular the drafting and application of land use laws and regulations. This training may take the form of live or prerecorded seminars or lectures, continuing education programs, video production, and development and distribution of training materials and written information.
 - (d) No reimbursement funds will be paid on an approved training program until a Request for Reimbursement form has been signed by the Director of the Office of the Property Rights Ombudsman, the fund manager, and the Executive Director of the Utah Department of Commerce (or their designees).
 - (e) Funds will be expended only as reimbursement for expenditures incurred in providing land use training, in accordance with the following rules:
 - (i) Reimbursement for instructor fees will be limited to \$150 per hour per instructor and to \$3,000 total for all instructors per day, including travel and meals. Any instructor fees in excess thereof, including honoraria for keynote speakers, will require to further justification, review, and approval. Instructor fees will not be paid to State or local government employees if the instructor is also being paid wages for the same time period.
 - (ii) Reimbursement for instructor meals, mileage, and lodging must not exceed current State of Utah rates for mileage and daily travel per diem.
 - (iii) Reimbursement for other expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio/visual equipment rental costs, if needed, printing costs, advertising and publication costs, and mailing, postage & handling costs, will be approved as needed.
 - (f) The following procedure shall be used for submission, review and payment of funding grants:
 - (i) A funding grant applicant shall submit a completed Request for Land Use Training Funds Application to the Ombudsman. The application shall include a description of the proposed land use training, program, instructors, expected audience, and budget.
 - (ii) The Ombudsman shall submit the application to the Land Use and Eminent Domain Advisory Board for selection or proposal by the board. Such submission, selection, or proposal may be done in person or by electronic means in accordance with the Utah Government Records and Management Act.

(iii) A selected or proposed application will be reviewed by the Director of the Office of the Property Rights Ombudsman, the fund manager, and the Executive Director of the Department of Commerce and may be jointly approved, approved with conditions, or denied.

(iv) The approved program shall then submit one or more completed Request for Reimbursement forms to the Ombudsman. The reimbursement request shall include receipts, invoices and supporting documentation of expenditures, including proof of payment if requested by the Ombudsman or the Department of Commerce.

(v) Request for Reimbursement forms will be reviewed by the Director of the Office of the Property Rights Ombudsman, the fund manager, and the Executive Director of the Department of Commerce and may be approved, approved with conditions, or denied.

(vi) Approved funding grants shall be reimbursed only for eligible expenditures which have been executed in good faith with the intent to ensure the best reasonable value.

(vii) Programs that charge a fee to attendees are eligible for reimbursement on a net cost basis after subtracting collected student fees and sponsorships. Any items that do not qualify for state funding must be paid for by the participant or sponsor of the program.

(ix) A Request for Reimbursement of an approved funding grant shall be submitted to the Ombudsman within 60 days following the approved event, class, or seminar unless an extenuating circumstance occurs. Written notice must be given to the Ombudsman of such an extenuating circumstance. Failure to submit a Request for Reimbursement within 60 days shall result in non-payment of approved funds, unless an extenuating circumstance has been reviewed and accepted by the Ombudsman.

(g) The following criteria shall be considered for approval, approval with conditions, or denial of a grant request:

(i) Previous experience in providing training.

(ii) Cost estimates, including cost per-attendee estimates.

(iii) How well the education fits in with the fund's land use education and training objectives under Utah Code §13-43-203(1)(h)(i).

(iv) Whether the training addresses current Utah land use law, issues and best practices.

(v) How well the text relates to the course objectives.

(vi) Whether the education is targeted for land use officials (commissioners, council members, etc.)

(vii) The expected number of students, hours of instruction, and the ratio of students per dollar spent.

(viii) The location or region of the state for which the education will be targeted.

(ix) The percentage of training being paid for by the student.

(x) Any other considerations deemed important by the LUEDAB, the Ombudsman's Office and the Department of Commerce.

(xi) Available funds.

(h) The Ombudsman and the Department of Commerce may in their joint discretion give approval based upon a total per student reimbursement rather than an actual cost reimbursement.